



DATE: March 4, 2022

MEMORANDUM

TO: SIS Users

FROM: Illinois State Board of Education

SUBJECT: **Collection of Student Sex and Sexual Orientation Postponed Until the 2023-24 School Year**

Thank you for your patience and partnership as ISBE worked through the implementation of Public Act 102-0543, which requires ISBE to collect and report student sexual orientation and sex, in addition to gender, so that we can collectively support equitable outcomes for all our students, including our LGBTQ+ students. **ISBE will postpone the implementation of this requirement until the 2023-24 school year.**

When we released initial guidance in January, local leaders raised concerns with the provisions in the Family Educational Rights and Privacy Act (FERPA) and the Illinois School Student Records Act (ISSRA) that give parents/guardians the right to have access to their children's education records. As the law requires the reporting, albeit optionally, for all students, birth through 12th grade, the field's concern is that students who are providing this information may not fully understand that this information will become part of their student record and be available to others, including their parents and school personnel, under both state and federal records laws.

Given that these concerns require further examination to resolve and the fact that many school districts have already started the school registration process for the 2022-23 school year, ISBE will not ask districts to collect data on sexual orientation and sex this school year.

As provided in subsection (e) of the Public Act, ISBE has informed the General Assembly that the agency is unable to begin reporting the data required by subsection (a) on sexual orientation and sex and will delay implementation to ensure it does not potentially cause undue harm to any student.

ISBE will form a working group of educators, LGBTQ+ advocates, families, and students from across the state to ensure the data are collected with all students' safety and privacy in mind. ISBE will conclude this stakeholder engagement by October 2022 in order provide the field with revised guidance or to propose legislation to amend the requirement before school registration begins for the 2023-24 school year.